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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------------|-----------------------------|
| 10/589,589 | 08/16/2006 | Toshihide Sekido | BAN-06-1238 | 2699 |
| 35811 7590 12/02/2009 IP GROUP OF DLA PIPER LLP (US) ONE LIBERTY PLACE 1650 MARKET ST, SUITE 4900 PHILADELPHIA, PA 19103 | | | EXAMINER DYE, ROBERT C | |
| | | | ART UNIT 1791 | PAPER NUMBER |
| | | | NOTIFICATION DATE 12/02/2009 | DELIVERY MODE ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pto.phil@dlapiper.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/589,589

Applicant(s)

SEKIDO ET AL.

Examiner

ROBERT DYE

Art Unit

1791

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 November 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1,2,5,7-10,13-23,50,51,54,56-59 and 62-69.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). 9/02/2009
13. ☐ Other: _____.

/Joseph S. Del Sole/
Supervisory Patent Examiner, Art Unit 1791

/ROBERT DYE/

Continuation of 11, does NOT place the application in condition for allowance because: The Applicant's arguments are summarized as follows:

1) The resin flow of the instant invention differs from the resin flow of Hettinga. Applicant states because the resistant through holes 6 is higher than that of the resin paths, the injected resin is stored on the surface of the plate 3, and the resin is then impregnated from there into the reinforcing fiber substrate at a time through a plurality of through holes. Applicant further argues that the method can be provided for obtaining desired characteristics of fiber reinforced plastic without generating distortions in the substrate or voids. Hettinga merely discloses "injecting resin" and does not disclose how the resin is flowed relative to the inclined section of the fabric and there is no description for the inclined section 23 integrated with the resin as to the problems that distortion may occur at the time of resin injection and that voids may be generated.

2) Hettinga does not stand as a proper basis as a primary reference. Hettinga/Seeman combination does not describe a concrete means for integrating resin and fabric and those skilled in the art would not be able to control the resin amount at a predetermined amount by discharging the excessively injected resin. The combination would result in a different structure.

In response, while the Applicant has argued that there are flow differences between the two methods, the Applicant has not pointed to any claimed structural feature or method step that differentiates the claimed method and apparatus from the prior art combination. In Hettinga, resin is injected via through holes in a central plate and filled into a cavity wherein a fiber substrate is disposed. Back pressure on the resin flow would be expected to be intrinsic as a result of flow resistance through the plate through-holes and as it is forced through the cavity and substrate.

Also, Examiner notes that the Applicant is pointing towards differences between the method as recited by the specification and the prior art combination. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993)

Examiner believes Hettinga is proper as a primary reference. Hettinga and Seeman both disclose means for integrating resin into a fiber substrate by injecting resin into a mold cavity such that the resin passes through and integrates with the substrate. A person having ordinary skill in the art at the time of the invention would have recognized that one can control the resin amount simply by controlling the resin flow rate and duration. It is unclear as to why the combination would result in a structure that is different from the claimed structure.